

## **REMARKS**

### **Amendments to the Claims**

In an effort to move this case forward, Applicants amend claims 1, 16, 31, 41, 44, and 47 in this Response. In amending the claims in the present application, Applicants do not concede that the claims as originally filed were not in a condition for allowance.

Applicants amend claims 1, 16, 31, 41, 44, and 47 to include the limitation “, wherein the context for a call includes the identity of the caller and the identity of the callee, the origin device identity and origin device owner, the destination device identity and destination device owner, the location of the caller and the location of the callee, the path of a call, and billing information for the caller and billing information for the callee.” Support for this amendment may be found in Applicants’ original specification at page 10, lines 4-11.

Applicants further amend claim 1 to include the limitations previously found in dependents claims 4-6 and 9-15 of Applicants’ original application. As such, claims 4-6 and 9-15 are presently cancelled in this Submission.

Applicants amend claim 16 to include the limitations previously found in dependents claims 19-21 and 24-30 of Applicants’ original application. As such, claims 19-21 and 24-30 are presently cancelled in this Submission.

Applicants amend claim 31 to include the limitations previously found in dependents claims 32-37 and 39-40 of Applicants’ original application. As such, claims 32-37 and 39-40 are presently cancelled in this Submission.

Applicants submit that these amendments do not introduce any new matter into the specification and submit that the claims as currently amended are in condition for allowance.

### Claim Rejections - 35 U.S.C. § 102

Claim 1 of Applicants' original application was previously rejected under 35 U.S.C. § 102 as being anticipated by each of Gurbani, *et al.* (U.S. Patent No. 6,282,275) (hereafter, 'Gurbani'), Shaffer, *et al.* (U.S. Patent No. 6,363,145) (hereafter, 'Shaffer'), and Maloney, *et al.* (U.S. Patent No. 5,535,256) (hereafter, 'Maloney'). These rejections were upheld in a decision rendered by the Board of Patent Appeals and Interferences on February 29, 2008.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As discussed above, Applicants' original claims 4-6, 9-15, 19-21, 24-30, 32-37, and 39-40 are cancelled in this Response. To anticipate remaining claims 1-3, 7-8, 16-18, 22-23, 31, 38, and 41-47 under 35 U.S.C. § 102, Gurbani, Shaffer, and Maloney must individually disclose and individually enable each and every element and limitation recited in the claims of the present application.

Independent claim 1 as currently amended recites:

1. A method for controlling call logging, comprising:

detecting a context for a call, wherein the context for a call includes the identity of the caller and the identity of the callee, the origin device identity and origin device owner, the destination device identity and destination device owner, the location of the caller and the location of the callee, the path of a call, and billing information for the caller and billing information for the callee, further comprising:

detecting a plurality of context clues for a call, wherein said plurality of context clues comprise an authenticated identity of a caller of said call, an authenticated identity of a callee of said call, an identity of an origin device, an identity of a destination device, a location said call originates, and a location said call terminates, a subject matter of said call, a context of previous calls between said caller and said callee, and a line number path of said call; and

identifying a context for said call from said plurality of context clues, including inferring from said context clues who is placing said call, who is receiving said call, whether said call is behalf of another, whether a backup party is accessed, at least one device utilized for said call, a location of said at least one device utilized for said call, a billing plan for said call, a path of line numbers accessed during said call, and a subject matter of said call;

filtering a plurality of context based logging requests for a plurality of parties according to said context;

detecting a selection of said plurality of context based logging request that are relevant for said context;

determining said at least one context based logging request that is valid for said context for said call;

accessing at least one context based logging request valid for said context for said call;

recording said call according to said context based logging request, including notifying at least one party to said call that said call is being recorded;

logging said context according to said context based logging request, including:

notifying at least one party to said call that said context for said call is being logged; and

notifying at least one party to said call of a designated party for which said context is being logged;

responsive to detecting an update to said context during said call, updating said logging of said context; and

controlling output of said logged context to a party making said logged context request.

As explained in more detail below, Gurbani, Shaffer, and Maloney do not individually disclose each and every element of claim 1. Therefore, Gurbani, Shaffer, and Maloney cannot be said to anticipate the claims of the present application within the meaning of 35 U.S.C. § 102.

### **Gurbani, Shaffer, And Maloney Do Not Disclose A Call Context As Claimed In The Present Application**

Claim 1 of the present application has been amended to include limitations previously found in Applicants' original specification. As amended, claims 1 of the present application recites: detecting a context for a call, wherein the context for a call includes the identity of the caller and the identity of the callee, the origin device identity and origin device owner, the destination device identity and destination device owner, the

location of the caller and the location of the callee, the path of a call, and billing information for the caller and billing information for the callee. This limitation of amended claim 1 is not disclosed by Gurbani, Shaffer, or Maloney.

Gurbani generally discloses a method for storing caller identification information. Gurbani, however, does not disclose detecting a context for a call as claimed here because Gurbani does not disclose a device identity and owner, the location of the caller and callee, the path of a call, or billing information for the caller and callee. A context for a call as recited in amended claim 1 includes a device identity and owner, the location of the caller and callee, the path of a call, and billing information for the caller and callee. In contrast to the claims of the present application, Gurbani merely discloses retrieving and storing information based on the caller ID for each subscriber without any mention of a device identity and owner, the location of the caller and callee, the path of a call, or billing information for the caller and callee. As such, Gurbani does not disclose detecting a context for a call as claimed here.

In addition to the fact that Gurbani does not disclose detecting a context for a call as claimed in the present application, Schaffer also does not disclose detecting a context for a call as claimed in the present application because Schaffer does not disclose a device identity and owner, the location of the caller and callee, the path of a call, and billing information for the caller and callee. A context for a call as recited in amended claim 1 includes a device identity and owner, the location of the caller and callee, the path of a call, and billing information for the caller and callee. In contrast to the claims of the present application, Schaffer merely discloses voice data patterns without any mention of a device identity and owner, the location of the caller and callee, the path of a call, and billing information for the caller and callee. As such, Schaffer does not disclose detecting a context for a call as claimed here.

In addition to the fact that Shaffer does not disclose detecting a context for a call as claimed in the present application, Maloney also does not disclose detecting a context for a call as claimed in the present application because Maloney does not disclose a device

identity and owner, the location of the caller and callee, the path of a call, and billing information for the caller and callee. A context for a call as recited in amended claim 1 includes a device identity and owner, the location of the caller and callee, the path of a call, and billing information for the caller and callee. In contrast to the claims of the present application, Maloney merely discloses monitoring the performance of a call center agent without any mention of the device identity and owner, the location of the caller and callee, the path of a call, and billing information for the caller and callee. As such, Maloney does not disclose detecting a context for a call as claimed here.

In addition to the fact, that Gurbani, Schaffer, and Maloney do not disclose amended claim 1 of the present application, Gurbani, Schaffer, and Maloney also do not disclose amended claims 41, 44, and 47, each of which recites a context for a call, wherein the context for a call includes the identity of the caller or callee, the device identity and owner, the location of the caller and callee, the path of a call, and billing information for the caller and callee. Because Gurbani, Schaffer, and Maloney do not disclose each and every element and limitation of amended claims 1, 41, 44, and 47 of the present application, Gurbani, Schaffer, and Maloney cannot anticipate amended claims 1, 41, 44, and 47 within the meaning of 35 U.S.C. § 102. The rejections under 35 U.S.C. § 102 should therefore be withdrawn.

**Gurbani, Shaffer, And Maloney Do Not Disclose  
Detecting A Plurality Of Context Clues For A  
Call As Claimed In The Present Application**

Claim 1 of the present application has been amended to include limitations previously found in Applicants' original specification. As amended, claims 1 of the present application recites: detecting a plurality of context clues for a call, wherein said plurality of context clues comprise an authenticated identity of a caller of said call, an authenticated identity of a callee of said call, an identity of an origin device, an identity of a destination device, a location said call originates, and a location said call terminates, a subject matter of said call, a context of previous calls between said caller and said callee, and a line number path of said call.

Gurbani generally discloses a method for storing caller identification information. Gurbani, however, does not disclose detecting a plurality of context clues for a call as claimed here because Gurbani does not disclose an identity of a destination device, a location said call originates, and a location said call terminates, a subject matter of said call, a context of previous calls between said caller and said callee, and a line number path of said call. A plurality of context clues for a call as recited in amended claim 1 includes an identity of a destination device, a location said call originates, and a location said call terminates, a subject matter of said call, a context of previous calls between said caller and said callee, and a line number path of said call. In contrast to the claims of the present application, Gurbani merely discloses retrieving and storing information based on the caller ID for each subscriber without any mention of an identity of a destination device, a location said call originates, and a location said call terminates, a subject matter of said call, a context of previous calls between said caller and said callee, and a line number path of said call. As such, Gurbani does not disclose detecting a plurality of context clues for a call as claimed here.

In addition to the fact that Gurbani does not disclose detecting a plurality of context clues for a call, Schaffer also does not disclose detecting a plurality of context clues for a call as claimed in the present application because Schaffer does not disclose does not disclose an identity of a destination device, a location said call originates, and a location said call terminates, a subject matter of said call, a context of previous calls between said caller and said callee, and a line number path of said call. A plurality of context clues for a call as recited in amended claim 1 includes does not disclose an identity of a destination device, a location said call originates, and a location said call terminates, a subject matter of said call, a context of previous calls between said caller and said callee, and a line number path of said call. In contrast to the claims of the present application, Schaffer merely discloses voice data patterns without any mention of does not disclose an identity of a destination device, a location said call originates, and a location said call terminates, a subject matter of said call, a context of previous calls between said caller and said

callee, and a line number path of said call. As such, Schaffer does not disclose detecting a plurality of context clues for a call as claimed here.

In addition to the fact that Shaffer does not disclose detecting a plurality of context clues for a call, Maloney also does not disclose detecting a plurality of context clues for a call as claimed in the present application because Maloney does not disclose an identity of a destination device, a location said call originates, and a location said call terminates, a subject matter of said call, a context of previous calls between said caller and said callee, and a line number path of said call. A plurality of context clues for a call as recited in amended claim 1 includes does not disclose an identity of a destination device, a location said call originates, and a location said call terminates, a subject matter of said call, a context of previous calls between said caller and said callee, and a line number path of said call. In contrast to the claims of the present application, Maloney merely discloses monitoring the performance of a call center agent without any mention of does not disclose an identity of a destination device, a location said call originates, and a location said call terminates, a subject matter of said call, a context of previous calls between said caller and said callee, and a line number path of said call. As such, Maloney does not disclose detecting a plurality of context clues for a call as claimed here.

Because Gurbani, Schaffer, and Maloney do not disclose each and every element and limitation of amended claim 1 of the present application, Gurbani, Schaffer, and Maloney cannot anticipate amended claim 1 within the meaning of 35 U.S.C. § 102. The rejections under 35 U.S.C. § 102 should therefore be withdrawn.

**Gurbani, Shaffer, And Maloney Do Not Disclose Identifying  
A Context For Said Call From Said Plurality Of  
Context Clues As Claimed In The Present Application**

Claim 1 of the present application has been amended to include limitations previously found in Applicants' original specification. As amended, claims 1 of the present application recites: identifying a context for said call from said plurality of context clues, including inferring from said context clues who is placing said call, who is receiving said



call, whether said call is behalf of another, whether a backup party is accessed, at least one device utilized for said call, a location of said at least one device utilized for said call, a billing plan for said call, a path of line numbers accessed during said call, and a subject matter of said call.

Gurbani generally discloses a method for storing caller identification information. Gurbani, however, does not disclose identifying a context for a call as claimed here because Gurbani does not disclose inferring from said context clues whether said call is behalf of another, whether a backup party is accessed, at least one device utilized for said call, a location of said at least one device utilized for said call, a billing plan for said call, a path of line numbers accessed during said call, and a subject matter of said call. Identifying a context for a call as recited in amended claim 1 includes inferring from said context clues whether said call is behalf of another, whether a backup party is accessed, at least one device utilized for said call, a location of said at least one device utilized for said call, a billing plan for said call, a path of line numbers accessed during said call, and a subject matter of said call. In contrast to the claims of the present application, Gurbani merely discloses retrieving and storing information based on the caller ID for each subscriber without any mention of inferring from said context clues whether said call is behalf of another, whether a backup party is accessed, at least one device utilized for said call, a location of said at least one device utilized for said call, a billing plan for said call, a path of line numbers accessed during said call, and a subject matter of said call. As such, Gurbani does not disclose identifying a context for a call as claimed here.

In addition to the fact that Gurbani does not disclose identifying a context for a call, Schaffer also does not disclose identifying a context for a call as claimed in the present application because Schaffer does not disclose inferring from said context clues whether said call is behalf of another, whether a backup party is accessed, at least one device utilized for said call, a location of said at least one device utilized for said call, a billing plan for said call, a path of line numbers accessed during said call, and a subject matter of said call. Identifying a context for a call as recited in amended claim 1 includes inferring from said context clues whether said call is behalf of another, whether a backup party is

accessed, at least one device utilized for said call, a location of said at least one device utilized for said call, a billing plan for said call, a path of line numbers accessed during said call, and a subject matter of said call. In contrast to the claims of the present application, Schaffer merely discloses voice data patterns without any mention of inferring from said context clues whether said call is behalf of another, whether a backup party is accessed, at least one device utilized for said call, a location of said at least one device utilized for said call, a billing plan for said call, a path of line numbers accessed during said call, and a subject matter of said call. As such, Schaffer does not disclose identifying a context for a call as claimed here.

In addition to the fact that Shaffer does not disclose identifying a context for a call, Maloney also does not disclose identifying a context for a call as claimed in the present application because Maloney does not disclose inferring from said context clues whether said call is behalf of another, whether a backup party is accessed, at least one device utilized for said call, a location of said at least one device utilized for said call, a billing plan for said call, a path of line numbers accessed during said call, and a subject matter of said call. Identifying a context for a call as recited in amended claim 1 includes inferring from said context clues whether said call is behalf of another, whether a backup party is accessed, at least one device utilized for said call, a location of said at least one device utilized for said call, a billing plan for said call, a path of line numbers accessed during said call, and a subject matter of said call. In contrast to the claims of the present application, Maloney merely discloses monitoring the performance of a call center agent without any mention of inferring from said context clues whether said call is behalf of another, whether a backup party is accessed, at least one device utilized for said call, a location of said at least one device utilized for said call, a billing plan for said call, a path of line numbers accessed during said call, and a subject matter of said call. As such, Maloney does not disclose identifying a context for a call as claimed here.

Because Gurbani, Schaffer, and Maloney do not disclose each and every element and limitation of amended claim 1 of the present application, Gurbani, Schaffer, and Maloney

cannot anticipate amended claim 1 within the meaning of 35 U.S.C. § 102. The rejections under 35 U.S.C. § 102 should therefore be withdrawn.

**Gurbani, Shaffer, And Maloney Do Not Enable Each and Every Element Of The Claims Of The Present Application**

Not only must Gurbani, Shaffer, and Maloney individually disclose each and every element of the claims of the present application within the meaning of *Verdegaal* in order to anticipate Applicants' claims, but also Gurbani, Shaffer, and Maloney must each be an enabling disclosure of each and every element of the claims of the present application within the meaning of *In re Hoeksema*. In *Hoeksema*, the claims were rejected because an earlier patent disclosed a structural similarity to the Applicant's chemical compound. The court in *Hoeksema* stated: "We think it is sound law, consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention." *In re Hoeksema*, 399 F.2d 269, 273, 158 USPQ 596, 600 (CCPA 1968). The meaning of *Hoeksema* for the present case is that unless Gurbani, Shaffer, and Maloney each places Applicants' claims in the possession of a person of ordinary skill in the art, Gurbani, Shaffer, and Maloney are each legally insufficient to anticipate Applicants' claims under 35 U.S.C. § 102. As explained above, Gurbani, Shaffer, and Maloney do not individually disclose each and every element and limitation of amended independent claim 1 of the present application. Because Gurbani, Shaffer, and Maloney do not individually disclose each and every element and limitation of the independent claims, Gurbani, Shaffer, and Maloney each cannot possibly place the elements and limitations of the independent claims in the possession of a person of ordinary skill in the art. Gurbani, Shaffer, and Maloney cannot, therefore, anticipate claim 1 of the present application.

**Relations Among Claims**

Independent claim 1 claims method aspects of controlling call logging according to embodiments of the present invention. Independent claims 16 and 31 respectively claim

system and computer program product aspects of controlling call logging according to embodiments of the present invention. For the same reasons that Gurbani, Shaffer, and Maloney do not disclose a method of controlling call logging, therefore, Gurbani, Shaffer, and Maloney also do not disclose either a system or a computer program product for controlling call logging corresponding to independent claims 16 and 31. Independent claims 16 and 31 are therefore patentable and should be allowed.

Claims 2-3, 7-8, 17-18, 22-23, and 38 depend respectively from independent claims 1, 16, and 31. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Gurbani, Shaffer, and Maloney do not disclose each and every element of the independent claims, Gurbani, Shaffer, and Maloney do not disclose each and every element of the dependent claims of the present application. As such, claims 2-3, 7-8, 17-18, 22-23, and 38 are also patentable and should be allowed.

Claims 42-43 and 45-46 depend respectively from independent claims 41 and 44. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Gurbani, Shaffer, and Maloney do not disclose each and every element of the independent claims, Gurbani, Shaffer, and Maloney do not disclose each and every element of the dependent claims of the present application. As such, claims 42-43 and 45-46 are also patentable and should be allowed.

### **Conclusion**

Claims 1-3, 7-8, 16-18, 22-23, 31, 38, and 41-47 stand rejected under 35 U.S.C. § 102 as being anticipated by Gurbani, Shaffer, and Maloney. Gurbani, Shaffer, and Maloney do not disclose each and every element of Applicants' claims. Gurbani, Shaffer, and Maloney therefore do not anticipate Applicants' claims. Claims 1-3, 7-8, 16-18, 22-23, 31, 38, and 41-47 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1-3, 7-8, 16-18, 22-23, 31, 38, and 41-47.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

Date: April 3, 2008

By:

A handwritten signature in black ink, appearing to be 'H. Artoush Ohanian', written over a horizontal dotted line.

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